

11—105.15(8A) Thresholds for delegating procurement authority.

105.15(1) *Agency direct purchasing—basic level.* An agency may procure non-master agreement goods up to \$5,000 per transaction in a competitive manner. Three or more informal quotes shall be obtained, unless quotes are not reasonably available or unless the item is purchased from a targeted small business. The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.

105.15(2) *Agency direct purchasing—advanced level.* An agency certified by the director or designee as a “procurement center of excellence” may procure non-master agreement goods up to \$50,000 per transaction in a competitive manner. To be certified, agency personnel engaged in the purchase of goods must complete enhanced procurement training established by the director or designee. Agency personnel must complete training within a two-year period in order for the agency to be certified.

105.15(3) *Preference to targeted small businesses.* Agencies shall search the TSB directory on the Web and purchase directly from the TSB source if it is reasonable and cost-effective to do so. Agencies shall comply with the TSB notification requirements in subrule 105.7(2).

105.15(4) *Alternative to master agreement.* An agency may purchase a comparable good or service of general use available on a master agreement from a different vendor if the quantity required or an emergency or immediate need makes it cost-effective to purchase from a non-master agreement vendor. In instances where an agency or agencies routinely or on a recurring basis purchase a specific good or service not on contract, the department shall establish a master agreement for that good or service in cooperation with the affected agencies.

105.15(5) *Misuse of agency authority.*

a. Purchasing authority delegated to agencies shall not be used to avoid the use of master agreements. Because it is cost-effective to purchase a good or service of general use from a master agreement, the agency shall do so. The agency shall not break purchasing into smaller increments for the purpose of avoiding threshold requirements in subrules 105.15(1) and 105.15(2).

b. As a remedy, the department may recover administrative fees appropriate to the improper execution of procurement.

c. This rule is not intended to prohibit agencies from aggressively seeking competitive prices. Agencies may purchase outside of master agreements under subrule 105.15(4).

d. The department may rescind delegated authority of an agency that misuses its authority.

e. The director or designee may revoke an agency’s delegated authority if the agency fails to maintain “procurement center of excellence” certification or uses the authority to procure goods or services already available on a master agreement.